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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,288	09/19/2003	Naheed Visram	12361-10US-1 JEL	1520
20988	7590	11/02/2005	EXAMINER	
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			VRETTAKOS, PETER J	
			ART UNIT	PAPER NUMBER
			3739	
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Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesh et al. (6,650,923) in view of Laufer et al. (6,106,520).

Lesh discloses a method of surgical perforation (puncture, pierce) with a system (col. 2:59-60) comprising sheath (74), dilator (20), needle (44), and pressure sensor for measuring blood pressure in both atria (col. 9:4-10) subsequent to locating the fossa ovalis (col. 3:7-17) in the atrial septum through radiopaque (col. 8:57-64, col. 7:27) staining (col. 4:29-33; col. 9:12-16 – *after the puncture*). See figures 1,7-11.

Lesh intimates the use of RF energy during the procedure in col. 2:20-23, and further discloses energy emitters (47). However, an express disclosure of using energy emitters as a part of the perforating/puncturing/piercing procedure is lacking.

Laufer discloses in an analogous device for perforating atrial tissue, a needle electrode (20; 54 is the electrode – see figure 3) and therefore the method of concurrent needle penetration and energy application to create a region of “reversible tissue damage”. See figure 1. Multiple locations are targeted (col. 5:49-55).

Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to modify Lesh in view of Laufer by including energy application in addition to the fossa ovalis perforation as part of the procedure to provide access to the left atrium. The motivation would be to "eradicate inappropriate electrical pathways" as posited in Lesh col. 2:20-23, as well as to create reversible tissue damage (as opposed to irreversible) as posited by Laufer in col. 5:55-60.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Vrettakos whose telephone number is 571-272-4775. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C. Dvorak can be reached on 571-272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pete Vrettakos
October 25, 2005



BEVERLY M. FLANAGAN
PRIMARY EXAMINER